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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 PATRICK DRUM,
9 Plaintiff,
10 v.
11 HAROLD CLARKE,
12 Defendant.

Case No. C06-5360 RBL/KLS

ORDER DENYING PLAINTIFF'S
MOTION FOR PLEADING
TRANSFER

12 This civil rights action has been referred to United States Magistrate Judge Karen L.
13 Strombom pursuant to Title 28 U.S.C. § 636(b)(1)(B) and Local MJR 3 and 4. Presently before the
14 Court is Plaintiff's "motion for pleading transfer," in which Plaintiff requests the Clerk of the Court
15 to attach questionnaires and declarations submitted in support of a previously filed motion for the
16 appointment of counsel (Dkt. # 1) to his Amended Complaint (Dkt. # 11). The Amended Complaint
17 was served on Defendant on September 12, 2006. (Dkt. # 14).

18 Plaintiff's motion must be denied. Previously filed motions and exhibits may not be
19 transferred or substituted for another. This is particularly true as to the Amended Complaint as it has
20 already been served upon the Defendant. However, Plaintiff is referred to Rule 10(c) of the Federal
21 Rules of Civil Procedure which states, in pertinent part, that, "[s]tatements in a pleading may be
22 adopted by reference in a different part of the same pleading or in an other pleading or in any
23 motion." And, that a "copy of any written instrument which is an exhibit to a pleading is a part
24 thereof for all purposes." Plaintiff may refer to the previously filed questionnaires and declarations in

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1 later filings, but does not need to re-file them with each new motion and pleading.

2 Accordingly, plaintiff's request for pleading transfer (Dkt. # 13) is **DENIED**.

3 The Clerk is directed to send copies of this order to plaintiff and counsel for defendants.

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5 DATED this 29th day of September, 2006.

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Karen L. Strombom
United States Magistrate Judge

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